THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.9647 of 2007

Date: 01.5.2007

Between:

Smt P.Nirmala.

....Petitioner

and

The Government of Andhra Pradesh rep by its
Secretary, Revenue, Secretariat, Hyderabad and another.

....Respondents

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O R D E R:

Petitioner states that she is the owner of the land admeasuring 332 square yards in Sy.No.23 part of Viginigiripalem, Adivivaram area, Visakhapatnam District. It is also stated that she intended to sell the said land, and approached the second respondent along with the prospective buyers for registration of the same. The grievance of the petitioner is that the second respondent is not accepting the document for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said survey number. This writ petition is filed seeking appropriate directions to the respondents in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1].

Once the sole basis for the second respondent to refuse registration had disappeared, he is under obligation to receive the

documents and consider the same in accordance with the provisions of the Stamp Act and the Registration Act.

Hence, the writ petition is disposed of, directing the second respondent to receive and process the document presented by the petitioners and take necessary steps in accordance with the provisions of the Stamp Act and the Registration Act, within one week from the date of receipt of a copy of this order. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

1.5.2007
msv

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77